

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TYEESHA LASHAYE MARTIN, as
Personal Representative of the Estate
of Kenneth Earl Garlington, Deceased,

Plaintiff,

v.

CASE NO. 2:06-CV-01031-WKW

NAPHCARE, INC.; MARC Q. SONNIER;
JAMES DELONG; BARBARA GAIL
WALTERS; EDDIE NAGLE;
C.I. HADLEY; DONAL CAMPBELL;
et al.,

Defendants.

PROPOSED DISCOVERY PLAN

Pursuant to Federal Rule of Civil Procedure 26(f) a meeting was held on December 14, 2006, by telephone conference between Julian Hardy, attorney for plaintiff; Martha Thompson, attorney for defendants; Celeste Holpp, attorney for defendants; and Neal Conner, attorney for defendants.

1. **Pre-Discovery Disclosures:** The parties will exchange by **January 5, 2007**, the information required by Fed. R. Civ. P. 26(a)(1).

2. **Discovery Plan:** The parties jointly propose to the Court the following discovery plan:

- (a) **Topics:** Discovery will be needed on the following subjects: allegations of the plaintiff's complaint, alleged damages and defendants' defenses.
- (b) **Discovery Deadline:** All discovery commenced in time to be completed by **August 20, 2007**.
- (c) **Interrogatories:** Maximum of 25 interrogatories, including subparts, by each party to any other party. Responses are due 30 days after service.

- (d) **Request for Admission:** Maximum of 15 requests for admission, including subparts, by each party to any other party. Responses are due 30 days after service.
- (e) **Requests for Production:** Maximum of 25 requests for production, including subparts, by each party to any other party. Responses are due 30 days after service.
- (f) **Depositions:** Maximum of 20 depositions per Plaintiff and 20 depositions per the Defendants. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.
- (g) **Supplementation:** Supplementation under Rule 26(e) due within 30 days of knowledge of the need to supplement, but not later than 30 days before the completion of discovery.
- (h) **Experts:** Unless modified by stipulation of the parties, the disclosure of expert witnesses, including a complete report under Fed. R. Civ. P. 26(a)(2)(b) from any specially retained or employed expert are due:

From the Plaintiff by: **September 12, 2007** with deposition(s) taken no later than **October 15, 2007**.

From the Defendants by: **November 26, 2007** with depositions taken no later than **January 2, 2008**.

Other items:

- (a) **Scheduling Conference:** The parties do not request a scheduling conference.
- (b) **Pretrial Conference:** The parties request a pretrial conference thirty (30) days after the Court rules on dispositive motions.
- (c) **Pleadings and Parties:** Plaintiff should be allowed until 90 days prior to the trial setting to add additional parties or amend the pleadings.
- (d) **Dispositive Motions:** All potentially dispositive motions must be filed by **January 23, 2008**.
- (e) **Witness and Exhibit Lists:** Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the parties on or before fourteen (14) days prior to the trial setting. The parties should have

seven days (7) days after service of final witnesses and exhibits to list objections under rule 26(a)(3).

- (f) **Settlement:** Settlement cannot be evaluated prior to the parties conducting some discovery and may be enhanced by the use of mediation at a later date.
- (g) **Trial:** This case should be ready for trial by **March 24, 2008** and at this time is expected to take approximately 5 days.

This the 14th day of December, 2006.

Respectfully submitted,

/s/ Martha Leach Thompson

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